

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAVID DUGAN,

Plaintiff,

vs.

VILLAGE OF HAZEL CREST, HAZEL CREST
POLICE OFFICER D. PIERCE, STAR NO. 218,
and UNKNOWN UNNAMED POLICE OFFICER,
Individually,

Defendants.

No. 08CV3219

Judge Castillo

Magistrate Judge Cole

INITIAL STATUS REPORT

A. Nature of The Case

1. Bases For Jurisdiction: Federal question jurisdiction pursuant to 28 U.S.C. Sections 1343 and 1331. Nature of Claims: Unreasonable seizure, Excessive Force and Malicious Prosecution (State claim).
2. Relief Sought by Plaintiff: Plaintiff is seeking to recover monetary compensation in the form of compensatory and punitive damages. An Itemization of damages is not currently available.
3. Names of Parties that have not been served: None.
4. Major Legal Issues: Whether the defendants had probable cause to arrest plaintiff, and if so whether during the course of the arrest defendants used and excessive amount of force in violation of plaintiff's civil rights. Defendants deny that they violated any of plaintiff's civil rights.

Plaintiff has also alleged an Illinois tort claim of malicious prosecution based upon the defendants' unsuccessful attempt to have plaintiff prosecuted. Defendants also deny this allegation.

Defendants assert that the officers had probable cause to make the arrest and did not use excessive force.

5. Major Factual Issues: Whether plaintiff engaged in any activity that gave defendants probable cause to arrest him. Whether the amount of force used by defendants against plaintiff was excessive.

B. Draft Of Scheduling Order

1. Rule 26(a)(1) Disclosures: Plaintiff proposes September 15, 2008 and defendants propose October 15, 2008.
2. Fact Discovery Closure Date: Plaintiff proposes December 15, 2008, defendants propose March 31, 2009.
3. Expert Discovery Closure Date: The Parties do not anticipate any retained expert witnesses.

C. Trial Status

1. A jury has been requested.
2. The probable length of trial is 4-5 days.

D. Consent To Proceed Before A Magistrate Judge

1. Both parties consent to proceed before a Magistrate Judge for all proceedings including trial.

E. Settlement Status

The parties will need to conduct some discovery before settlement discussions are likely to be successful.

/s/Garrett Browne

ED FOX & ASSOCIATES
Attorneys for Plaintiff
300 West Adams
Suite 330
Chicago, Illinois 60606
(312) 345-8877
gbrowne@efox-law.com

/s/ Thomas R. Weiler

NORTON, MANCINI & WEILER
Attorneys for Defendants
111 W. Washington St.
Suite 835
Chicago, IL. 60602
(312) 807-4999
tweiler@nortonmancini.com